

of new or revised recordkeeping systems (whether paper or electronic). See § 1236.6 of this subchapter.

(e) Provide training and guidance to all employees on agency records disposition requirements and procedures and other significant aspects of the records disposition program. When a new or revised records schedule is issued, provide specific guidance to employees responsible for applying the schedule.

PART 1225—SCHEDULING RECORDS

Sec.

1225.1 What are the authorities for this part?

1225.2 What definitions apply to this part?

1225.3 What standards are used as guidance for this part?

1225.10 What Federal records must be scheduled?

1225.12 How are records schedules developed?

1225.14 How do agencies schedule permanent records?

1225.16 How do agencies schedule temporary records?

1225.18 How do agencies request records disposition authority?

1225.20 When do agencies have to get GAO approval for schedules?

1225.22 When must scheduled records be rescheduled?

1225.24 When can an agency apply previously approved schedules to electronic records?

1225.26 How do agencies change a disposition authority?

AUTHORITY: 44 U.S.C. 2111, 2904, 2905, 3102, and Chapter 33.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.

§ 1225.1 What are the authorities for this part?

The statutory authorities for this part are 44 U.S.C. 2111, 2904, 2905, 3102, and Chapter 33.

§ 1225.2 What definitions apply to this part?

See § 1220.18 of this subchapter for definitions of terms used throughout Subchapter B, including part 1225.

§ 1225.3 What standards are used as guidance for this part?

These regulations conform with guidance provided in ISO 15489-1:2001, Information and documentation—Records management. Paragraphs 4 (Benefits of records management), 6.3 (Responsibilities), 7.1 (Principles of records management programmes), 8.3.7 (Retention and disposition), 9.2 (Determining how long to retain records), 9.10 (Documenting records management processes), 10 (Records management processes and controls), and 11 (Monitoring and auditing) apply to records scheduling.

§ 1225.10 What Federal records must be scheduled?

All Federal records, including those created or maintained for the Government by a contractor, must be covered by a NARA-approved agency disposition authority, SF 115, Request for Records Disposition Authority, or the NARA General Records Schedules.

§ 1225.12 How are records schedules developed?

The principal steps in developing agency records schedules are listed below. Additional details that may be helpful are provided in the NARA records management handbook, *Disposition of Federal Records* at <http://www.archives.gov/records-mgmt/publications/disposition-of-federal-records/index.html>.

(a) Conduct a functional or work process analysis to identify the functions or activities performed by each organization or unit. Identify the recordkeeping requirements for each.

(b) Prepare an inventory for each function or activity to identify records series, systems, and nonrecord materials.

(c) Determine the appropriate scope of the records schedule items, e.g., individual series/system component, work process, group of related work processes, or broad program area.

(d) Evaluate the period of time the agency needs each records series or system based on use, value to agency operations and oversight agencies, and legal obligations. Determine whether a fixed or flexible retention period is more appropriate. For records proposed

§ 1225.14

as temporary, specify a retention period that meets agency business needs and legal requirements. For records proposed as permanent records, identify how long the records are needed by the agency before they are transferred to NARA.

(e) Determine whether the proposed disposition should be limited to records in a specific medium. Records schedules submitted to NARA for approval on or after December 17, 2007, are media neutral, *i.e.*, the disposition instructions apply to the described records in any medium, unless the schedule identifies a specific medium for a specific series.

(f) Compile a schedule for records, including descriptions and disposition instructions for each item, using an SF 115.

(g) Obtain internal clearances, as appropriate, from program offices and other stakeholders such as the legal counsel, chief information officer, electronic systems manager, and agency historian, as appropriate.

(h) Obtain approval from the Government Accountability Office (GAO), when required (see §1225.20(a) for the categories that require GAO approval).

(i) Submit an SF 115 covering only new or revised record items to NARA for approval (see §1225.18(d)).

(j) The disposition instructions on SF 115s approved by the Archivist of the United States are mandatory (44 U.S.C. 3314).

§1225.14 How do agencies schedule permanent records?

(a) *Identification.* Identify potentially permanent records. Useful guidelines in the identification of permanent Federal records may be found in the NARA records management handbook, *Disposition of Federal Records* (see §1225.12 for the Web site address of this publication).

(b) *Requirements.* Each item proposed for permanent retention on an SF 115 must include the following:

(1) Descriptive title of the records series, component of an information system, or appropriate aggregation of series and/or information system components. The descriptive title must be meaningful to agency personnel;

36 CFR Ch. XII (7–1–15 Edition)

(2) Complete description of the records including:

- (i) Agency function;
- (ii) Physical type, if appropriate;
- (iii) Inclusive dates;
- (iv) Statement of how records are arranged;

(v) Statement of restrictions on access under the FOIA if the records are proposed for immediate transfer;

(3) Disposition instructions developed using the following guidelines:

(i) If the records series or system is current and continuing, the SF 115 must specify the period of time after which the records will be transferred to the National Archives of the United States, and if appropriate, the time period for returning inactive records to an approved records storage facility.

(ii) If the records series or system is nonrecurring, *i.e.*, no additional records will be created or acquired, the agency must propose either that the records be transferred to the National Archives of the United States immediately or set transfer for a fixed date in the future.

(c) *Determination.* NARA will appraise the records to determine if they have sufficient value to warrant archival permanent preservation. If NARA determines either that records are not permanent or that the transfer instructions are not appropriate:

(1) NARA will notify the agency and negotiate an appropriate disposition. The disposition instruction on the SF 115 will be modified prior to NARA approval; or

(2) If NARA and the agency cannot agree on the disposition instruction for an item(s), the item(s) will be withdrawn. In these cases, the agency must submit an SF 115 with a revised proposal for disposition; unscheduled records must be treated as permanent until a new schedule is approved.

§1225.16 How do agencies schedule temporary records?

(a) *Identification.* Federal agencies request authority to dispose of records, either immediately or on a recurring basis. Requests for immediate disposal are limited to existing records that no longer accumulate. For recurring records, approved schedules provide continuing authority to destroy the

records. The retention periods approved by NARA are mandatory, and the agency must dispose of the records after expiration of the retention period, except as provided in §§1226.18 and 1226.20 of this subchapter.

(b) *Requirements.* Each item on an SF 115 proposed for eventual destruction must include the following:

(1) Descriptive title familiar to agency personnel;

(2) Description of the records including agency function, physical type(s) and informational content;

(3) Disposition instructions developed using the following guidelines:

(i) If the record series, component of an electronic information system, or appropriate aggregation of series and/or automated system components is current and continuing, the SF 115 must include file breaks, retention period or event after which the records will be destroyed, and, if appropriate, transfer period for retiring inactive records to an approved records storage facility.

(ii) If the records series, system, or other aggregation is nonrecurring, *i.e.*, no additional records will be created or acquired, the SF 115 must specify either immediate destruction or destruction on a future date.

(c) *Determination.* If NARA determines that the proposed disposition is not consistent with the value of the records, it will request that the agency make appropriate changes.

(1) If NARA determines that records proposed as temporary merit permanent retention and transfer to the National Archives of the United States, the agency must change the disposition instruction prior to approval of the SF 115.

(2) If NARA and the agency cannot agree on the retention period for an item(s), the item(s) will be withdrawn. In these cases, the agency must submit an SF 115 with a revised proposal for disposition; unscheduled records must be treated as permanent until a new schedule is approved.

§ 1225.18 How do agencies request records disposition authority?

(a) Federal agencies submit an SF 115 to NARA to request authority to schedule (establish the disposition for) per-

manent and temporary records, either on a recurring or one-time basis.

(b) SF 115s include only records not covered by the General Records Schedules (GRS) (see part 1227 of this subchapter), deviations from the GRS (see §1227.12 of this subchapter), or previously scheduled records requiring changes in retention periods or substantive changes in description.

(c) SF 115s do not include nonrecord material. The disposition of nonrecord materials is determined by agencies and does not require NARA approval.

(d) The following elements are required on a SF 115:

(1) Title and description of the records covered by each item.

(2) Disposition instructions that can be readily applied. Records schedules must provide for:

(i) The destruction of records that no longer have sufficient value to justify further retention (see §1224.10(b) of this subchapter); and

(ii) The identification of potentially permanent records and provisions for their transfer to the legal custody of NARA.

(3) Certification that the records proposed for disposition are not now needed for the business of the agency or will not be needed after the specified retention periods. The signature of the authorized agency representative on the SF 115 provides certification.

(e) NARA will return SF 115s that are improperly prepared. The agency must make the necessary corrections and resubmit the form to NARA.

§ 1225.20 When do agencies have to get GAO approval for schedules?

(a), Federal agencies must obtain the approval of the Comptroller General for the disposal of the following types of records:

(1) Program records less than 3 years old,

(2) Deviations from General Records Schedule 2-10 (see §1227.10 of this subchapter for a definition of general records schedules), and

(b) This approval must be obtained before NARA will approve the disposition request.

§ 1225.22

§ 1225.22 When must records be rescheduled?

Agencies must submit an SF 115, Request for Records Disposition Authority, to NARA in the following situations:

(a) If an interagency reorganization reassigns functions to an existing department or agency, the gaining organization must submit an SF 115 to NARA within one year of the reorganization. Schedules approved for one department or independent agency do not apply to records of other departments or agencies.

(b) If a new department or agency assumes functions from an existing one, the new agency must schedule records documenting the acquired functions and all other records not covered by the GRS within two years.

(c) If an agency needs to deviate from retention periods in the GRS.

(d) If an agency needs to change retention periods for records previously appraised as temporary by NARA.

(e) If an agency needs to change the approved disposition of records from permanent to temporary or vice versa.

(f) If an agency needs to modify the description of records because the informational content of the records and/or the function documented by the records changes.

(g) If an agency decides to change the scope of the records schedule items to include a greater or lesser aggregation of records (see § 1225.12(c)), unless § 1225.24 applies.

(h) Agencies must submit a new schedule to NARA for electronic versions of previously scheduled records if:

(1) The content and function of the records have changed significantly (e.g., the electronic records contain information that is substantially different from the information included in the hard copy series or are used for different purposes).

(2) The previously approved schedule explicitly excludes electronic records.

(3) The electronic records consist of program records maintained on an agency Web site.

(4) The electronic records consist of temporary program records maintained in a format other than scanned image

36 CFR Ch. XII (7-1-15 Edition)

AND the previously approved schedule is not media neutral.

§ 1225.24 When can an agency apply previously approved schedules to electronic records?

If the conditions specified in § 1225.22(h) do not apply, the following conditions apply:

(a) *Permanent records.* (1) The agency may apply a previously approved schedule for hard copy records to electronic versions of the permanent records when the electronic records system replaces a single series of hard copy permanent records or the electronic records consist of information drawn from multiple previously scheduled permanent series. Agencies must notify the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740-6001, phone number 301-837-1738, in writing of series of records that have been previously scheduled as permanent in hard copy form, including special media records as described in 36 CFR 1235.52 of this subchapter. An agency should send the notification to the NARA unit that processes its schedules. The notification must be submitted within 90 days of when the electronic recordkeeping system becomes operational and must contain the:

- (i) Name of agency;
- (ii) Name of the electronic system;
- (iii) Organizational unit(s) or agency program that records support;
- (iv) Current disposition authority reference; and
- (v) Format of the records (e.g., database, scanned images, digital photographs, etc.).

(2) If the electronic records include information drawn from both temporary and permanent hard copy series, an agency either may apply a previously approved permanent disposition authority, after submitting the notification required by paragraph (a)(1) of this section or may submit a new schedule if the agency believes the electronic records do not warrant permanent retention.

(b) *Temporary still pictures, sound recordings, motion picture film, and video recordings.* The agency must apply the previously approved schedule to digital

versions. If changes in the approved schedule are required, follow §1225.26.

(c) *Scanned images of temporary records, including temporary program records.* The agency must apply the previously approved schedule. If changes in the approved schedule are required, follow §1225.26.

(d) *Other temporary records maintained in an electronic format other than scanned images.* (1) For temporary records that are covered by an item in a General Records Schedule (other than those General Records Schedule items that exclude electronic master files and databases) or an agency-specific schedule that pertains to administrative housekeeping activities, apply the previously approved schedule. If the electronic records consist of information drawn from multiple hard copy series, apply the previously approved schedule item with the longest retention period.

(2) For temporary program records covered by a NARA-approved media neutral schedule item (*i.e.*, the item appears on a schedule submitted to NARA for approval before December 17, 2007, that is explicitly stated to be media neutral, or it appears on a schedule submitted to NARA for approval on or after December 17, 2007, that is not explicitly limited to a specific record-keeping medium), apply the previously approved schedule.

§ 1225.26 How do agencies change a disposition authority?

Agencies must submit an SF 115 to permanently change the approved disposition of records. Disposition authorities are automatically superseded by approval of a later SF 115 for the same records unless the later SF 115 specifies an effective date. As provided in §1226.20(c) of this subchapter, agencies are authorized to retain records eligible for destruction until the new schedule is approved.

(a) SF 115s that revise previously approved disposition authorities must cite all of the following, if applicable:

(1) The SF 115 and item numbers to be superseded;

(2) The General Records Schedules and item numbers that cover the records, if any; and

(3) The current published records disposition manual and item numbers; or the General Records Schedules and item numbers that cover the records.

(b) Agencies must submit with the SF 115 an explanation and justification for the change.

(c) For temporary retention of records beyond their normal retention period, see §1226.18 of this subchapter.

(d) Agencies must secure NARA approval of a change in the period of time that permanent records will remain in agency legal custody prior to transfer to the National Archives of the United States. To request approval, agencies send written requests to the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740-6001, phone number (301) 837-1738. NARA approval is documented as an annotation to the schedule item. A new SF 115 is not required to extend the time period of agency legal custody.

PART 1226—IMPLEMENTING DISPOSITION

Sec.

1226.1 What are the general authorities for this part?

1226.2 What definitions apply to this part?

1226.3 What standards are used as guidance for this part?

1226.10 Must agencies apply approved schedules to their records?

1226.12 How do agencies disseminate approved schedules?

1226.14 What are the limitations in applying approved records schedule?

1226.16 Does NARA ever withdraw disposition authority?

1226.18 When may agencies temporarily extend retention periods?

1226.20 How do agencies temporarily extend retention periods?

1226.22 When must agencies transfer permanent records?

1226.24 How must agencies destroy temporary records?

1226.26 How do agencies donate temporary records?

AUTHORITY: 44 U.S.C. 2111, 2904, 3102, and 3301.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.